

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3854

United States of America,

Appellee,

v.

Carl Thomas Whipple,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: September 19, 2006

Filed: September 25, 2006

Before ARNOLD, BOWMAN, and RILEY, Circuit Judges.

PER CURIAM.

Carl Thomas Whipple appeals the 240-month sentence the district court¹ imposed following this court's remand for resentencing under United States v. Booker, 543 U.S. 220 (2005). Counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should have further reduced Mr. Whipple's sentence because of his age and deteriorating physical condition. We find the 18% downward variance from the bottom of the advisory Guidelines range of 292-365 months was not unreasonable. See United States v.

¹The Honorable Charles A. Shaw, United States District Judge for the Eastern District of Missouri.

Bryant, 446 F.3d 1317, 1319 (8th Cir. 2006) (when there is no dispute about applicable Guidelines range, appeals court considers whether sentence imposed is reasonable in light of 18 U.S.C. § 3553(a) factors). After our review of the record pursuant to Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm the sentence.
